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CIS

Calendar No. 836

101ST CONGRESS
2d Session

SENATE

REPORT
101-469

AUTHORIZING AND DIRECTING THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF THE FEASIBILITY OF ESTABLISHING A UNIT OF THE NATIONAL PARK SYSTEM TO INTERPRET AND COMMEMORATE THE ORIGINS, DEVELOPMENT, AND PROGRESSION OF JAZZ IN THE UNITED STATES, AND FOR OTHER PURPOSES

SEPTEMBER 20 (legislative day, SEPTEMBER 10), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2846]

The Committee on Energy and Natural Resources to which was referred the bill (S. 2846) to authorize and direct the Secretary of the Interior to conduct a study of the feasibility of establishing a unit of the National Park System to interpret and commemorate the origins, development, and progression of jazz in the United States, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SUITABILITY AND FEASIBILITY STUDY.

(a) IN GENERAL.—In order to determine an appropriate means of preserving and interpreting the origin, development and progression of the music known as jazz, a music that has gained worldwide influence and respect and represents this Nation's unique contribution to the musical arts, the Secretary of the Interior (hereinafter referred to as the "Secretary"), shall conduct a study of the suitability and feasibility of establishing a unit of the National Park System associated with the origins of jazz in New Orleans, the city in which the cultural strains that became jazz were fused to form this unique American music, and the birthplace of such major jazz artists as Jelly Roll Morton, Sidney Bechet, and Louis Armstrong.

(b) SITES OR STRUCTURES.—The study shall include a determination as to which sites or structures in New Orleans associated with the origin and early history of jazz exhibit the necessary historical and physical integrity to make them suitable and feasible for administration, protection, and preservation as units of the National Park System for the use and benefit of the public. Prior to making any such determination, the Secretary shall consult with and carefully consider the views of affected local citizens and neighborhood groups.

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(2) With respect to any such site or structure determined to be suitable and feasible, the study shall include an analysis of potential management alternatives that involve the participation of public and private entities in the preservation of jazz as an American art form, including interpretive performances pursuant to cooperative agreements with the Secretary.

(3) In the event appropriate sites or structures cannot be identified, the study shall also consider and make recommendations concerning sites which would serve as an appropriate location for the construction or reconstruction of a facility to commemorate the origins and early history of jazz in New Orleans.

(c) ADDITIONAL RECOMMENDATIONS.—The study shall also include recommendations for—

(1) public outreach programs, including but not limited to programs designed to involve elementary and secondary school children in the understanding of jazz as an American art form, study internships, summer workshops, teacher training programs, and programs to support school visits and workshops by musicians;

(2) the establishment of a jazz education center and an early learning center in the structure or site described in subsection (b);

(3) an appropriate Federal role in supporting second line bands, and in preserving the unique contributions to the development of jazz made by neighborhood social and pleasure clubs, including recommendations for interpretive performances by such clubs, educational outreach programs, and the feasibility of establishing an oral history or other programs to assure that the contributions of such clubs are preserved; and

(4) an assessment of the need for the preservation and dissemination of information about existing public and private archival collections (with potential alternatives for an appropriate Federal role) and possible management alternatives including cooperative agreements with existing public and private facilities and institutions.

(d) JEAN LAFITTE NATIONAL HISTORICAL PARK.—The study shall also assess and include a recommendation concerning the desirability and feasibility of including any site or structure identified pursuant to subsection (b) within the boundaries of the Jean Lafitte National Historical Park.

SEC. 2. SUBMISSION OF STUDY.

The Secretary shall submit the study referred to in section 1 to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, no later than one year after the date funds are made available for such study, together with any recommendations for further legislation.

SEC. 3. PRESERVATION OF JAZZ ADVISORY COMMISSION.

(a) ESTABLISHMENT OF THE COMMISSION.—There is hereby established the Preservation of Jazz Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall consist of fifteen members who shall be appointed within ninety days after enactment of this Act as follows:

(1) one member to be appointed jointly by the Speaker of the United States House of Representatives and the President Pro Tempore of the United States Senate;

(2) the Mayor of the City of New Orleans or the Mayor's designee;

(3) three members to be appointed by the Secretary from among recommendations submitted by the Mayor of New Orleans who shall have experience in elementary, secondary and post-secondary music education programs emphasizing jazz, respectively;

(4) one member to be appointed by the Secretary from among recommendations submitted by local business and economic development groups who are knowledgeable about tourism;

(5) one member to be appointed by the Secretary from among recommendations submitted by the producers of the New Orleans Jazz and Heritage Festival who shall have experience in the production of such Festival;

(6) one member to be appointed by the Secretary from among recommendations submitted by representatives of local historic preservation groups;

(7) three members to be appointed by the Chairman of the National Endowment of the Arts who are recognized musicians with knowlege and experience in the development of jazz in New Orleans, one of whom shall be selected from recommendations submitted by local social and pleasure clubs;

(8) one member who is a recognized local expert on the history and development of jazz in New Orleans and is familiar with existing local archival materi-

als, to be appointed jointly by the Chairman of the National Endowment of the Humanities and the Librarian of Congress;

(9) one member with recognized expertise in cultural and folklife preservation and interpretation to be appointed by the Secretary of the Smithsonian Institution;

(10) one member to be appointed by the Secretary who shall be a resident of the Treme neighborhood of New Orleans;

(11) one member to be appointed by the Governor of Louisiana who shall be a member of the Louisiana State Music Commission; and

(12) the Chairman of the Delta Region Preservation Commission who shall serve as an ex officio non-voting member of the Commission.

(b) DUTIES OF THE COMMISSION.—The Commission shall advise the Secretary in the preparation of the suitability and feasibility study required by section 1, and the views of the Commission members shall be included in the study transmitted to the Congress as provided in section 2.

(c) MEMBERSHIP.—No person who is an employee of the Federal Government shall be appointed to serve as a member of the Commission.

(d) COMPENSATION.—Members of the Commission shall serve without compensation. Members of the Commission shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(e) CHAIRMAN.—The Commission shall elect a chairman from among its members.

(f) QUORUM.—A simple majority of the members of the Commission shall constitute a quorum.

(g) MEETINGS.—The Commission shall meet at least quarterly or upon the call of the Chairman or a majority of its members.

(h) PUBLIC HEARINGS.—The Commission shall hold no less than three public hearings in New Orleans to consider the views of the public concerning the establishment of a unit of the National Park System to commemorate jazz in the United States. At least one such hearing shall be held in the Treme neighborhood of New Orleans.

(i) The National Park Service shall provide such staff support and technical assistance as may be necessary to carry out the functions of the Commission.

(j) TERMINATION OF COMMISSION.—The Commission shall terminate 120 days after the transmittal of the report to Congress as provided in section 2.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

PURPOSE OF THE MEASURE

The purpose of S. 2846, as ordered reported, is to authorize and direct the Secretary of the Interior to conduct a study of the feasibility of establishing a unit of the National Park System to interpret and commemorate the origins, development, and progression of jazz in the United States.

BACKGROUND AND NEED

Today, America's musicians remain the undisputed and most important leaders in jazz. People from around the world come to this country to hear jazz, and our many talented musicians travel to virtually every corner of the globe to perform for others. Given our dominant role in this field, a focal point for preserving, interpreting and commemorating our great jazz traditions is long overdue.

Jazz music was first played in this country in the late 1800's and evolved as a blend of African and Western European classical music, primarily French and Spanish. Religious music, particularly gospel music, and other folk music were also contributors to the emergence of jazz. All these elements fused in New Orleans which is the recognized birth place of traditional jazz music in this country.

It was in New Orleans, in Milneburg and in the historic area known as Storyville, where renowned professors of music such as Ferdinand Joseph LeMenthe, better know as "Jelly Roll Morton," who cultivated the stridestyle keyboard; Louis "Big Eye" Nelson, who founded the Ninth Ward Band and later joined the historic Imperial Orchestra; and Louis Daniel "Satchmo" Armstrong, who for many outside New Orleans remains the most well-known New Orleans artist, all performed. In Storyville and in Milneburg the first organized jazz music emerged.

It was also in New Orleans where the African beat was blended with developing syncopated rhythms particularly in the area known as Congo Square, and the rich tradition of black American music was developed in great bands led by such talented musicians as Buddy Bolden. And it was again in New Orleans during the first 20 years of this century that the traditional brass bands played and developed into the famous ragtime bands which played a combination of blues and ragtime.

This music was part of the establishment of the culture of traditional jazz in New Orleans, which migrated and evolved from there north to Memphis, St. Louis, Chicago, and to New York City. It is important to recognize that New Orleans is not only the fountainhead from which all traditional jazz has developed, but also that no other city in the United States has conscientiously preserved the culture of traditional jazz to the degree and in the manner that New Orleans has. The city has dedicated a park to Louis Armstrong who is a native son and one of the great jazz musicians of all time; it has a number of important archival and historical collections in various places throughout the city including the Armistad Reseach Center at Tulane University and Louisiana State Museum's collection located at the Mint; New Orleans has innovative outreach programs to educate potential future musicians and future audiences throughout the public school system; and at least two innovative new schools are in the process of being established—one for advanced studies at the University of New Orleans and one to reach younger children which has been proposed by the New Orleans Jazz and Heritage Foundation. All of these efforts indicate the local support for preserving and nurturing the unique cultural heritage of New Orleans and the key role which jazz has played.

All of the necessary ingredients are in New Orleans to develop a great cultural center for the preservation of jazz and, with the proper support and financial commitment, there is no doubt that this concept would be a success. Today there are still local musicians and others in New Orleans who are preserving this traditional music, but it is important to act now to preserve this important American contribution to the musical arts.

The study mandated by this legislation will begin the process to ensure that this musical art form will be properly recognized and accorded the institutional status commensurate with its value and importance.

LEGISLATIVE HISTORY

S. 2846 was introduced by Senator Johnston on July 12, 1990. The Subcommittee on Public Lands, National Parks and Forests held a field hearing on this measure in New Orleans, Louisiana on July 27, 1990.

At the business meeting on September 19, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2846 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 19, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2846, if amended as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin [1]	
Mr. Akaka [1]	
Mr. McClure	
Mr. Hatfield [1]	
Mr. Domenici [1]	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles [1]	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 2846, the Committee adopted an amendment in the nature of a substitute. The substitute makes several technical and conforming changes to the bill as introduced. The substitute also increases the membership on the Advisory Commission, includes several new provisions ensuring that there will be adequate opportunity for public input during the study process and that the views of local citizens and neighborhoods will be considered, and directs that the study consider the desirability of adding any new site or structure identified in the study to the existing Jean Lafitte National Historical Park.

SECTION-BY-SECTION ANALYSIS

Section 1 provides for the preparation and submission of the study and recommendations.

Subsection (a) directs the National Park Service to conduct a study to assess the suitability and feasibility of establishing a unit of the National Park System in New Orleans, Louisiana, to preserve and interpret the origin, development, and progression of the music known as jazz.

Subsection (b) relates to the identification of appropriate sites or structures to be considered during the study.

Paragraph (1) provides that the study determine which sites or structures in New Orleans associated with the origin and early history of jazz exhibit the necessary historical and physical integrity to make them suitable as units of the National Park System. Prior to making any such determination, the Secretary is directed to consult with and carefully consider the views of affected local citizens and neighborhood groups.

The Committee wants to emphasize that the views of those citizens located near any site determined to be suitable for a potential park unit should be sought out by the Park Service during the study process and carefully considered. While there has been general support for the idea of a "jazz park" in New Orleans, many citizens want to be sure that they have input into the study and site determination process.

Paragraph (2) provides that with respect to any such site or structure determined to be suitable and feasible, the study is to include an analysis of potential management alternatives that involves the participation of public and private entities in the preservation of jazz as an American art form, including interpretive performances pursuant to cooperative agreements.

Paragraph (3) states that in the event appropriate existing sites or structures exhibiting the necessary physical and historical integrity cannot be identified, the study shall also consider the make recommendations concerning potential sites which would serve as an appropriate location for the construction or reconstruction of a new facility to commemorate the origins and early history of jazz in New Orleans.

Subsection (c) provides for additional recommendations to be included in the study.

Paragraph (1) provides that the study include recommendations concerning various public outreach programs.

Paragraph (2) requires a recommendation regarding the establishment of a jazz education center and an early learning center.

Paragraph (3) directs that the study include recommendations with respect to an appropriate Federal role in supporting second line bands and in preserving the unique contributions to the development of jazz made by neighborhood social and pleasure clubs. These entities have a rich and diverse heritage and the Committee encourages the Park Service to look for ways to maximize their participation in the study.

Paragraph (4) provides that the study include an assessment of the need for the preservation and dissemination of information about existing public and private archival collections (with poten-

tial alternatives for an appropriate Federal role) and possible management alternatives including cooperative agreements with existing public and private facilities and institutions.

Subsection (d) states that the study is to also assess and include a recommendation concerning the desirability and feasibility of including any site or structure identified pursuant to subsection (b) within the boundaries of the Jean Lafitte National Historical Park.

Section 2 provides that the study be transmitted to the appropriate Committees of Congress no later than one year after the date funds are made available for the study.

Section 3 concerns the establishment of an Advisory Commission (Commission).

Subsection (a) establishes a 15 member Preservation of Jazz Advisory Commission to be appointed as provided in the Act. Paragraphs 1 through 12 delineate the membership on the Commission. These provisions are largely self-explanatory.

The Committee notes that Paragraph (10) provides for the appointment of one Commission member who shall be a resident of the Treme neighborhood. At the Subcommittee hearing on S. 2846, the Committee was made aware that some residents of Treme, the area where Louis Armstrong Park is located, are fearful that a new unit of the Park System will be established in their neighborhood without adequate input from the local residents. This provision was added to the bill to ensure that the views of the citizens of this neighborhood are directly represented on the Commission which is to provide advice to the Secretary and the National Park Service during the preparation of the study.

Paragraph (12) adds the Chairman of the Delta Region Preservation Commission as an ex officio, non-voting, member of the Commission. Because of the success of this Commission relative to the Jean Lafitte National Historical Park, the Committee urges the National Park Service and the Jazz Commission to consult with, and carefully consider the views of the Chairman of the Delta Region Preservation Commission during the preparation of this study.

Subsection (b) states that the Commission is to provide advice to the Secretary on matters relating to the potential establishment of a jazz-related unit of the Park System during the preparation of the study. The Committee expects the Commission to provide the Secretary and the Park Service with its views and recommendations concerning a wide variety of issues relating to the study. The views of the Commission and its individual members should be included in the final study transmitted to Congress so that the Committee and other members of the House and Senate will have the benefit of these views in any subsequent deliberations.

Subsection (c) prohibits the appointment of any federal employee to serve on the Commission.

Subsection (d) provides that members of the Commission serve without compensation except for travel expenses, including per diem in lieu of subsistence.

Subsection (e) provides that the Commission elect a chairman from among its members.

Subsection (f) describes the requirements for establishing a quorum for the Commission to conduct business.

Subsection (g) provides that the Commission shall meet at least quarterly or upon the call of the Chairman or a majority of its members.

Subsection (h) directs the Commission to hold no less than three public hearings in New Orleans to consider the views of the public concerning the establishment of a unit of the National Park System to commemorate jazz in the United States. At least one such hearing is to be held in the Treme neighborhood of New Orleans or as close thereto as practicable.

Subsection (i) directs the National Park Service to provide such staff support and technical assistance as may be necessary to carry out the functions of the Commission.

Subsection (j) provides a termination date for the Commission.

Section 4 authorizes such sums as may be necessary to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2846, a bill to authorize and direct the Secretary of the Interior to conduct a study of the feasibility of establishing a unit of the National Park System to interpret and commemorate the origins, development, and progression of jazz in the United States, and for other purposes. The bill was ordered reported by the Senate Committee on Energy and Natural Resources on September 19, 1990. Implementation of this bill would cost the federal government about $200,000 during fiscal year 1991, assuming appropriation of the necessary amounts for the year.

S. 2846 would direct the National Park Service (NPS) to study opportunities for an interpretive center on jazz in Louisiana. Study results, findings, and recommendations would be due within a year after funding is received. The bill also would establish a 15-member commission to advise the Secretary on the preparation of the study. Section 4 of the bill would authorize the appropriation of whatever sums are necessary for these activities.

CBO estimates that the NPS would spend about $200,000 during fiscal year 1991 to conduct the study and reimburse the advisory commission for out-of-pocket expenses.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2846. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2846, as reported.

EXECUTIVE COMMUNICATIONS

On July 23, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 2846. These reports had not been received at the time the report on S. 2846 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2846, as reported.

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